

# **CITY OF EL PASO**

## **2005 State Legislative Priorities**

**General Principles:** The City of El Paso supports legislation that enhances the City's ability to solve problems and improve the quality of life for its citizens. The City of El Paso opposes legislation that reduces the City's authority or increases the City's costs. We will work with other Cities to enhance and protect the authority of municipalities and to ensure that City taxpayers are not burdened with additional unfounded mandates.

The City of El Paso will also support legislative initiatives of community partners that enhance the educational, cultural, and infrastructure resources in our region.

This document reflects the City's adopted legislative policy as approved by City Council. The City's legislative program is organized into three categories:

- I. Priority Legislative Initiatives** – The City will actively seek to secure legislators to author bills for these initiatives. The City will support and provide positive testimony for these initiatives and otherwise actively pursue passage of the bill.
  - Central Appraisal District Review** .....3
  - Enterprise Zone Expansion** .....3
  - Fleet Conversion** .....4
  - Geographic Information System**.....4
  - Local Elections** .....5
  - Public Works** .....5
  - Storm Water Management** .....6
  - Tax Collection** .....7
  - Tribal Government Interlocal Contracts** .....7
  - Underage Drinking** .....8
  
- II. Statement of Support** – City staff and authorized representatives will make known the City's position on these issues. Depending on the issue, staff will work to either assist in the passage of the bill or work against passage to preserve the City's interests. The important distinction between this category and the earlier category is that the City will not seek introduction of any legislation, but will vocalize the City's position in support or opposition.
  - General Municipal Interests**.....9
  - Healthcare and Public Health** .....9

Higher Education .....10  
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Public Education .....11  
Transportation .....11  
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- III. **Issues to Monitor** – City staff and authorized representatives will monitor and track the development of any related legislation. Staff will seek advice and direction of the full Council before taking an official position or taking any action to influence an outcome. ....12

**Note:** Items are listed in alphabetical order, not in order of priority.

## I. Priority Legislative Initiatives

### Central Appraisal District

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**Proposal:** Seek passage of legislation that calls for a comprehensive review of the Central Appraisal District governance structure, appraisal process, appeal process, accountability to the public and relevant taxing entities, and their tax policies as they apply local governments.

**Background:**

Though the Central Appraisal Districts (CAD) exist as an independent political entity within the State of Texas, the interaction with the public is limited and normally transpires in an adversarial mode. Given that property taxes represent the largest single source of revenue to any municipal entity, and since the officials of municipal entities are “elected” and further answerable to the citizens, the large majority of complaints that surface involving taxation are directed at the elected officials.

However, most local elected officials have limited access and insight into the workings of their CAD, nor do they have any direct effect and/or impact on the appraisal evaluations process when problems arise. Thus, the perception exists that their CAD operates in a styled “vacuum”, absent any type of tangible oversight.

To that end, a comprehensive review needs to be conducted to examine the need for State statutory authority for independent oversight of the CAD system.

### Enterprise Zone Expansion

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**Proposal:** Seek passage of legislation that automatically designates all state certified Economically Distressed Counties as State Enterprise Zones.

**Background:**

This amendment to the State Enterprise Zone Program would allow for businesses within economically distressed counties to be nominated for a sales tax refund if certain provisions are met. Currently this program is limited to certain predefined limited geographical areas that are certified by census demographic information. This legislation would allow Cities within economically distressed counties to nominate Enterprise Zone Projects within their entire geographical area. Economically distressed counties will be determined according to census poverty, educational attainment, and unemployment

statistics as currently designated by the Comptroller's Office. The expansion of this program would give economically disadvantaged communities greater flexibility in the utilization of this economic development tool.

## **Fleet Conversion**

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**Proposal:** Seek passage of legislation that expands Texas Emissions Reduction Program (TERP) funding eligibility to include communities that have come out of non-attainment status for air quality and have been redesignated as "maintenance" status by the U.S. Environmental Protection Agency.

**Background:**

The City of El Paso has been designated as non-attainment for EPA air quality standards since the mid 1970's. In order to reverse this designation and protect the health of its citizens, the El Paso region has worked diligently to implement vehicle emissions controls, regulate fixed source emissions, and work on creative binational strategies to eliminate the most prominent emissions sources in the airshed. The conversion of older public and private sector fleets to cleaner burning engines has been an important part of our strategy. The City of El Paso has been granted over \$ 1.5 million dollars to retrofit 25 diesel-powered buses to Compressed Natural Gas engines and repower a solid waste refuse truck. The City of El Paso is also interested in pursuing additional grant funding to convert more buses and solid waste vehicles in the next round of funding. In addition, at least eight companies that do business in El Paso have received TERP funds to convert heavy machinery to cleaner technologies. It is critical that communities that emerge from non-attainment into maintenance status continue to be eligible for these funds in order to ensure that air quality improvements are sustained.

## **Geographic Information System**

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**Proposal:** Pursue a GIS regional grant to assist the City of El Paso and other local stakeholders in developing a regional mapping tool that can be used by cities, counties, utilities, educational institutions, and other governmental and private agencies within the Paso del Norte region.

**Background:**

Geographic Information Systems (GIS) are a class of information technology that has been widely adopted throughout government and business sectors to improve the management of location-based information. The Paso del Norte Mapping for Public Access (PdNMapa) plan presents an approach for increasing the use of GIS within the region to improve agency operational effectiveness, but that also extends the benefits to the businesses and citizens touched by the diverse operations of those agencies. GIS is seen as a key tool to improve

public service through improved information access by the collaborating agencies staff and the public directly through the Internet.

GIS has been extensively used by utilities, educational institutions, cities, counties, and other governmental and private agencies within the Paso del Norte region since the mid 1990's to improve the management and analysis of geographic related information. Initially used for mapping by technical specialists, GIS applications have become diversified among a broader range of non-IT professionals due to the increased availability of reliable GIS data and the lower cost, easier to use GIS and information technologies. In recent years, GIS technology has become an increasingly important tool for first responders because of the wealth of information that can be drawn from its layers. Given El Paso's location along the U.S. Mexico border, the presence of one of the County's premier air defense centers in this region, and the international trade

## **Local Elections**

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**Proposal:** Seek passage of legislation that will allow the City to adjust the terms of office for its Mayor and District Representatives, presently set forth in the City's Charter, as necessary to comply with statutory requirements for the conduct of elections.

**Background:**

In recent years, the Legislature expanded the time period for the canvassing of votes in elections and implemented a requirement that runoff elections may not be held sooner than twenty days after the date that the votes are canvassed. El Paso's City Charter contains a provision setting the terms of office based on an older and shorter time frame for the conduct of elections. Accordingly, it will be very difficult and potentially impossible for the City of El Paso to complete the election process as required by the Election Code and meet the deadlines imposed in its Charter at its May 2005 General Election. The City seeks passage of legislation, similar that which already exists in Section 41.005(c), Election Code, to allow its governing body to adjust the terms of office as necessary or appropriate to meet all obligations under the Election Code for the conduct of elections. Such legislation would need to be made effective prior to the May 2005 election date.

## **Public Works**

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**Proposal:** Seek passage of legislation that allows the local governments within the identified Economically Disadvantaged Counties (EDC) be certified on an annual or biennial basis - depending on when the State Comptroller's office publishes the indicators -- and that TXDoT recognize a local government's

request for the EDC adjustment at the time that a federally funded project is requested.

**Background:** Currently, local governments within Economically Disadvantaged Counties (EDC) are eligible for an adjustment to the required match for federally funded transportation projects. However, in order to obtain the reduction, the local government must apply for the adjustment for each project. The application is reviewed by TXDOT staff and approved on a quarterly basis by the Texas Transportation Commission (TTC). EDC adjustment approval must be granted prior to the execution of project agreements. This means that there may be potential delays in the implementation of projects, particularly in the very areas where state-developed economic indicators are already reflecting disadvantaged conditions. The proposed certification and procedure change would reduce the staff time spent by each of the local governments in requesting the adjustments and the time that TXDOT staff spends on reviewing, recommending and documenting the requests.

## **Storm Water Management**

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**Proposal:** Introduce or support legislation to address the application of 30TAC 319 that will require TCEQ to consider control approaches and best management practices that are included in a Storm Water Management Program Permit, which will reduce the discharge of pollutants to the maximum extent practicable, to be viewed as effluent limitations for all purposes of all TCEQ requirements and regulations.

**Background:**

The City of El Paso is concerned that the Texas Commission on Environmental Quality (TCEQ) use of the phrase “waste discharge permit” when referring to municipal separate storm sewer system (MS4) discharge permits will require discharges from these systems to meet numeric effluent limitations defined in Chapter 319, Subchapter B, of Title 30 the Texas Administrative Code (TAC). The imposition of numeric limitations on discharges from MS4s would be contrary to the provisions of the Clean Water Act, EPA policy and TCEQ’s own policies.

The City believes that the Clean Water Act does not authorize EPA or any delegated state to impose effluent limitations of any type (numeric or narrative) on discharges from MS4s [see 33 U.S.C. Sec. 1342 (p)]. To avoid the imposition of numeric limits within Chapter 319, without conceding its position that it is not appropriate to impose effluent limitations of any type on discharges from MS4s, and because current TCEQ regulations require the imposition of default numeric effluent limitations for certain metals unless a waste discharge permit specifies effluent limitations for those metals, The City of El Paso believes the Commission should include language in discharge permits for MS4s explicitly stating that the control approaches and best management practices detailed in the permittee’s

Storm Water Management Program shall be viewed as effluent limitations for all pollutants for purposes of compliance with Commission regulations.

## **Tax Collection**

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**Proposal:** Seek passage of legislation that amends section 33.21(b) of the property tax code by adding the following:

(3) The penalty allowed under section 33.07 shall be added to the amount of tax due.

**Background:** If a business is closing before the tax bills for the current year are issued and the determination is made that there is no other property belonging to this business to which a lien can be attached, the only remedy is to obtain a tax warrant to seize property. The problem is that under the existing code, the attorneys who will do this work will not get paid. This change will allow us to pay the attorneys for the work they will do on the accounts which are not yet delinquent but might escape payment altogether if we are not able to execute the tax warrant.

This change will improve tax collection efforts statewide at no cost to taxpayers. Jurisdictions that contract with private attorneys for the collection of delinquent taxes will benefit from this additional collection tool.

## **Tribal Government Interlocal Contracts**

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**Proposal:** Seek passage of legislation that recognizes the Ysleta del Sur Pueblo ( Tigua Tribe) as entity that can enter into Interlocal Contracts with units of local government or political subdivisions of the State.

**Background:**

This amendment to Chapter 791 of the Government Code would allow for the Ysleta del Sur Pueblo (Tigua Tribe) to enter into interlocal contracts with the City of El Paso, or other units of local government such as a county, other municipalities, special district, or other political subdivision of this state, for mutually beneficial agreements regarding police protection and detention services, fire protection, streets, roads and drainage, public health and welfare, parks and recreation, library and museum services, records center services, waste disposal, planning, engineering, administrative functions, public funds investment, comprehensive health care and hospital services, or other governmental functions in which the contracting parties are mutually interested, if so desired by both parties.

## **Underage Drinking**

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**Proposal:** Seek passage of legislation that will authorize peace officers in Texas to prevent minors from entering into Mexico without being accompanied or authorized by a parent or guardian.

**Background:**

For more than sixty years, the State of California has granted authority to its peace officers to prevent unaccompanied minors from entering into Mexico. Section 1500 of the California Welfare and Institutions Code provides, "A peace officer of any city or county shall prevent the entry from California into the Republic of Mexico at the border by any resident of this state under the age of 18 years who is unaccompanied by a parent or guardian or who does not have written consent for such entry from a parent or guardian or who does not have a passport. The authority of the peace officer under this part shall be only to prevent entry and not otherwise to detain. Nothing in this part shall be construed to limit the authority of a peace officer under any other law of this state." For years, border communities in Texas have dealt with a growing problem of minors crossing into Mexico for purposes of consuming alcoholic beverages. Granting authority to Texas peace officers to enable them to prevent unaccompanied minors from entering into Mexico will give border communities an additional tool to help curb underage drinking.



## **II. Statements of Support**

### **General Municipal Interests**

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The City will support legislation and administrative actions that:

- Will protect and enhance City revenues.
- Reduce costs to the City.
- Provide for more local control.
- Protect those policies previously established through the Charter, ordinances, resolutions, and master plans.

The City will oppose legislation or administrative actions that:

- Undermine the principle of home rule and local self-government.
- Result in loss of revenue or revenue growth to cities.
- Diminish the current authority of cities to regulate and manage their growth and development.
- Nullify or undermine the City's policies contained in existing provision of the Charter, ordinances, resolutions and master plans, unless such changes expand the City's ability to manage its own affairs.
- Diminish any existing authority of cities.
- Impose mandates that require any expenditure by the City unless all costs of same, including administrative as well as direct out-of-pocket costs, are fully reimbursed by the mandating government.

### **Healthcare and Public Health**

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- Support legislation that maintains the integrity of the CHIP program by retaining the comprehensive benefits that are currently in the program and restore dental coverage for services rendered to children. Continue to support an increase to continuous eligibility to encourage the establishment of relationships with primary care providers.
- Support legislation that would use available tobacco funds to support CHIP at levels necessary to provide access to health care for as many children as possible.
- Support legislation to continue streamlining and simplifying eligibility processes for Medicaid that will encourage more eligible but non-covered individuals to take advantage of this program.
- Support legislation that increases funding to Title 5 services (coverage for children's dental and immunization services, public education for prevention of diabetes, cardiovascular disease and cancer).

- Support legislation that eliminates the disparity in border Medicaid capitation rates and per capita expenditures.
- Support continued funding for the Texas Area Information and Referral Networks.
- Support legislation that reverses the reduction in funding for public health activities to include, but not limited to, children's health, women's health services, child and adult immunizations, family planning, tuberculosis, and services related to sexually transmitted diseases, and vector/mosquito control and general environmental enforcement activities.
- Support legislation that allows for appropriate and responsive mental health and mental retardation services in our community.
- Support legislation that ensures accountability and performance from the Adult and Child Protective Services Agency.
- Support legislation that would maintain or increase existing funding for emergency preparedness activities.

## **Higher Education**

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- Support full funding for construction and operation of the Texas Tech four-year medical school campus in El Paso.
- Support approval of tuition revenue bonds for repair and completion of existing academic buildings and construction of the College of Health Sciences on the UTEP campus.
- Support funding that supports the growth in UTEP's administrative and academic programs.
- Support increased funding for the academic programs of the El Paso Community College.

## **Military Affairs**

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- Support legislation that would require a review of all state agencies' funding related to enhancement of military value and assign priority funding that will improve the value of state military installations.
- Support Governor Perry's initiative to enhance the transportation infrastructure surrounding military bases.

- Support legislation that creates construction financing tools for school districts that are experiencing military related growth.

## **Public Education**

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- Support legislation that ensures equitable funding for El Paso area school districts.

## **Transportation**

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- Support legislation that accelerates transportation infrastructure funding for communities disproportionately affected by international trade.
- Oppose legislation that removes transportation planning and funding priorities from the Transportation Policy Board of the Metropolitan Planning Organization.
- Support legislation that creates a three-tiered plan for state transportation funding that addresses the needs and financial capacity of urban, rural, and border communities.

## **Tribal Rights**

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- Support the efforts of the Ysleta del Sur Pueblo to restore Indian gaming rights on tribal land.

## **Workforce Development**

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- Support increased funding for the workforce development programs of the El Paso Community College.
- Support the efforts of the Texas Workforce Commission to seek a federal waiver that allows for more local control and discretion in the use workforce development funds for programs tailored to the needs of individual communities.

### **III. Issues to Monitor**

- Legislation that affects international trade.
- Legislation that affects public pension funds.

Additional legislative developments will be brought to the attention of Mayor, Council, and the City Manager throughout the session.